IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE GODA RAGHURAM

WRIT PETITION No.11108 of 2005

Between:

Smt. K. Prameela, W/o. K. Aylaiah,
R/o. 16-9-831/13/A, Sarojini Nagar Colony,
Old Malakpet, Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad,
rep. by its Commissioner, office at Tank Bund, Hyderabad.
2 The Asst. City Planner, Circle No. 1, Sardar Mahal,

Charminar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, of Mandamus, to declare the action of the respondents in attempting to demolish the structures on the land admeasuring 50 Sq. Yards bearing premises No. 16-9-674, Old Malakpet, Hyderabad, without considering the explanation submitted by the petitioner on 4-5-2005 to the notice dt. 28-4-2005 as illegal, arbitrary, unconstitutional and contrary to the G.O.Ms.No.423 dt. 6-8-1998, and consequently direct the respondents not to interfere or any manner demolish the structures raised in the above premises, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner :Mr. A.Suryanarayana

Counsel for the Respondents: Mr. Ganta Rama Rao

The Court at the admission stage made the following :

ORAL ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the Municipal Corporation and at their request, the writ petition itself is taken up for hearing at the stage of admission.

The petitioner's grievance and apprehension are that the respondents would demolish the construction in her premises bearing No.16-9-674, Old Malakpet, Hyderabad, though the construction is in accordance with approved building Permit No.107/28 dated 01-04-2005.

In the circumstances pleaded in the writ petition, the respondents are directed not to take any steps to demolish the constructions of the petitioner's premises if the said constructions are wholly in accordance with the approved building permit including the leaving of open space on the front, rear and sides of the building. In case the constructions of the petitioner's premises are contrary to the building permit or as to the open space as mentioned in the sanctioned plan, the respondents shall be at liberty to take appropriate steps in accordance with law.

The writ petition is accordingly disposed of.

10-05-2005

bsc

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.
2 The Asst. City Planner, Circle No. 1, Sardar Mahal,

Charminar, Hyderabad.

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